

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MUHAMMAD TANVEER BUTT / SUNNY DAY CARE TWO LLC, SP 2014-LE-040 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 4311 Birchlake Ct., Alexandria, 22309, on approx. 4,394 sq. ft. of land zoned R-8. Lee District. Tax Map 101-1 ((6)) 187. (Admin. moved from 7/16/14 at appl. req.) (Decision deferred from 9/17/14.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 22, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-8.
3. The area of the lot is 4,394 square feet.
4. Staff recommends approval of this application, predicated upon clarification of various issues that arrived out of the presentation earlier of this application, issues including, but not limited to, the applicant actually living on the premises, and issues revolving around insurance, and clarification of a substitute provider situation.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Muhammad Tanveer Butt/ Sunny Day Care Two, LLC, , and is not transferable without further action of the Board, and is for the location indicated on the application, 4311 Birchlake Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat, Showing House Location on Lot 187, Section 2, Pinewood Lake," prepared by Thomas G. Lutke, as revised by the applicant Muhammad Tanveer

Butt on March 4, 2014 and approved with this application, as qualified by these development conditions.

3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be one.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of two parking spaces shall be provided on the subject parcel within the areas of existing paving.
10. There shall be no signage associated with the home child care facility.
11. The substitute provider shall only care for the children for a maximum of 240 calendar hours per year to be in conformance with Sect. 10-103.b of the Zoning Ordinance.
12. If it is determined that the applicant, Muhammad Tanveer Butt, is not living at the property address, 4311 Birch Lake Court, then this special permit shall be null and void.
13. The shed located on the property shall be locked at all times during the hours of operation of the home child care facility.

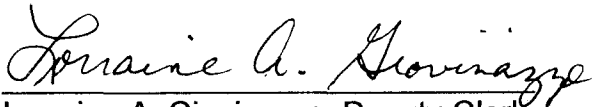
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning

Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 5-1-1. Mr. Hammack voted against the motion, and Mr. Hart abstained from the vote.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in dark ink and is positioned above the printed name and title.

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals